



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,131	12/15/2003	Joseph A. Russo	LOT920030069US1 (023)	5725
46321 7590 11/21/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
LIN, WEN TAI				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
11/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,131

Applicant(s)

RUSSO ET AL.

Examiner

Wen-Tai Lin

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are presented for examination.
2. The prosecution of this application is re-opened because of a new claim rejection under 35 USC § 101. Some 112 2nd paragraph related issues are also raised in this instant office action.
3. Claims 2, 4 and 8 are objected to because of the following informalities:
 - (i) As to claims 2, 4 and 8, it is unclear whether the term “implementing an enrollment model” is the same as its first occurrence in claim 1, line 5. An explicit antecedence relationship between the two must exist if they are meant to be the same. Applicant is requested to clarify in response to this office action.
 - (ii) As to claim 2, it is unclear what is meant to the “authority to grant enrollment to one or more end user persons.” That is, there are many different levels of authority one can apply: from setting up objective accepting criteria to an extreme of making decision autocratically out of one’s own mind. There appears to be no teaching with regard to the meaning of the phrase in Applicant’s specification. Applicant is requested to clarify the extent of the “authority” in response to this office action.
4. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-10 are rejected under 35 U.S.C. 101 because the language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Specifically, it appears that all the recited method steps in these claims can be performed by a person using pencil and paper without engaging a computer or hardware. This is because the subject matter of the claims is about implementation of an enrollment model and some relevant activities that result in the formation of a collaborative computing community. The method steps have nothing to do with the use of a collaborative computing community. For example, an administrator may manually organize or enroll members for the so called collaborative computing community without necessarily engaging a computer. Furthermore, it is noted that even the term “collaborative computing community” itself does not necessarily tie to any computer or machine in accordance with a definition found in paragraph [0003] of Applicant’s specification.

Applicant is required to amend the claim language, in a manner supported by the original disclosure, to “positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps.”¹

Claim Rejections - 35 USC § 102

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Olivier [U.S. Pat. No. 6480885].

7. Olivier was cited in the previous office action.

8. As to claim 1, Olivier teaches the invention as claimed including: a method for managing member enrollment in a collaborative computing community [e.g., col.14 line 55 – col. 15 line 21; col. 17 lines 7-39], the method comprising:

identifying one or more end user persons for enrollment in the collaborative computing community [e.g., Abstract];

implementing an enrollment model to determine whether to enroll the one or more identified end user persons as members in the community; and updating community membership to enroll the one or more end user persons based on the implemented enrollment model. [e.g., col.10, lines 43-59. Note that here the residence distance and age range form an enrollment model for determining members of a neighborhood community].

¹ Cited from an Interim Guidelines, issued on May 15, 2008, from the Office of Deputy Commissioner for

9. As to claim 2, Olivier further teaches that implementing an enrollment model includes designating one or more community members as administrators with the authority to grant enrollment to the one or more end user persons [e.g., Fig. 8; col.10, lines 43-59; i.e., the user who initiate a mailing list for certain activity or topical discussion is an administrators having the authority to determine the members to be included in the specific mailing list by adjusting the parameters of the enrollment model].

10. As to claim 3, Olivier further teaches that including providing the one or more community members with the ability to remove a community member from the community [e.g., col.14, lines 40-44].

11. As to claim 4, Olivier further teaches that implementing an enrollment model to determine whether to enroll the one or more identified end user persons as members in the community includes:

identifying one or more criteria for defining a role in the collaborative computing community [e.g., 242-246, Fig.2];

obtaining role profiles for each of the end user persons [e.g., 202, Fig.2; 306, Fig. 3A];

and

determining if one or more role profiles match the one or more criteria [e.g., 234, Fig.2; Fig.4; col.5, lines 51-67].

12. As to claim 5, Olivier further teaches that the one or more criteria for defining a role in the collaborative computing community includes payment of a predetermined fee [e.g., col.20, lines 13-16].

13. As to claim 6, Olivier further teaches that implementing an enrollment model includes providing one or more of the end user persons with the ability to grant enrollment to themselves [e.g., col. 11, lines 47-57; col.23, lines 38-56; i.e., each potential candidate is given the ability to grant enrollment to themselves by specifying one-way or mutual acceptance criteria].

14. As to claim 7, Olivier teaches that the method further includes providing the one or more end user persons with the ability to remove themselves from the community [e.g., col. 14, lines 16-19].

15. As to claim 8, The Olivier further teaches that implementing an enrollment model includes designating one or more community members as a sponsor member [i.e., users who establish subscriptions to an electronic mailing list] having privileges, the sponsor member granted a further privilege of sponsoring one or more of the end user persons for community membership [e.g., screen other users] as a sponsored member [i.e., users who subscribes the mailing list], wherein the sponsored member is granted enrollment in the community with privileges equal or less than the privileges of the sponsor member [Abstract: lines 3-9; note that

the sponsor member is also in the same mailing list, enjoying the same privileges as the sponsored members, in addition to the privilege of “screening other users”].

16. As to claim 9, Olivier further teaches that the sponsored member is enrolled as a community member if voted into the community [e.g., col. 14 line 55 – col. 15, line 2; i.e., a sponsored member can be to become one of the moderators].

17. Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C.101, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

November 19, 2008

/Wen-Tai Lin/

Primary Examiner, Art Unit 2454